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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)

No. CV 06-926-PHX-SMM

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Plaintiff,)

**AMENDED ORDER RE: FINAL
PRETRIAL CONFERENCE**

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v.)

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AUTOZONE, INC., a Nevada Corporation)

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Defendant.)

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A Final Pretrial Conference has been set in this case for **Thursday, January 8, 2009,**

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at 4:00 p.m. Accordingly,

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IT IS ORDERED that, if this case shall be tried to a jury, the attorneys who will be responsible for the trial of the lawsuit shall prepare and sign a Proposed Pretrial Order and submit it to the Court no later than **5:00 p.m. on Friday, December 12, 2008.**

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IT IS FURTHER ORDERED that the content of the Proposed Pretrial Order shall include, but not be limited to, that prescribed in the Form of Pretrial Order attached hereto. Statements made shall not be in the form of a question, but should be a concise narrative statement of each party's contention as to each uncontested and contested issue.

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IT IS FURTHER ORDERED pursuant to Federal Rule of Civil Procedure 37(c) that the Court will not allow the parties to offer any exhibits, witnesses, or other information that were not previously disclosed in accordance with the provisions of this Order and/or the

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1 Federal Rules of Civil Procedure and/or not listed in the Proposed Pretrial Order, except for
2 good cause.

3 **IT IS FURTHER ORDERED** directing the parties to exchange drafts of the
4 Proposed Pretrial Order **no later than fourteen (14) days before the submission deadline.**

5 **IT IS FURTHER ORDERED** that the parties shall file and serve all motions in
6 limine no later than **Friday, December 12, 2008.** Each motion in limine shall include the
7 legal basis supporting it. Responses to motions in limine are due **Friday, December 19,**
8 **2008.** No replies will be permitted. **The attorneys for all parties shall come to the Final**
9 **Pretrial Conference prepared to address the merits of all such motions.**

10 **IT IS FURTHER ORDERED** directing the parties to complete the following tasks
11 by the time of the filing of the Proposed Pretrial Order if they intend to try the case before
12 a jury:

- 13 (1) The parties shall **jointly** file a **description of the case** to be read to the jury.
- 14 (2) The parties shall **jointly** file a proposed set of **voir dire questions.** The voir
15 dire questions shall be drafted in a neutral manner. To the extent possible, the parties
16 shall stipulate to the proposed voir dire questions. If the parties have any
17 disagreement about a particular question, the party or parties objecting shall state the
18 reason for their objection below the question.
- 19 (3) The parties shall file a proposed set of **stipulated jury instructions.** The
20 instructions shall be accompanied by citations to legal authority. If a party believes
21 that a proposed instruction is a correct statement of the law, but the facts will not
22 warrant the giving of the instructions, the party shall so state. The party who believes
23 that the facts will not warrant the particular instruction shall provide an alternative
24 instruction with appropriate citations to legal authority.
- 25 (4) **Each party** shall submit a **form of verdict** to be given to the jury at the end
26 of the trial.

